

## **REMARKS/ARGUMENTS**

### **New Claims**

This RCE has been filed with the intention that the search and examination will be extended to non-elected subject matter, such as claims to treatment methods, rather than file a separate application. With the filing of this RCE, there is no additional burden in searching and examining these additional claims, as compared to presenting these new claims in a divisional application.

New claims 46-74 define the non-elected methods for treating a disease mediated by p38 within a host. The compounds in method claims 46-49 conform to those defined in allowed claims 26 and 39 and new compound/composition claims 40-45 discussed below. The remaining method claims encompass the use of more compounds than described in allowed claim 26 (or new claim 40); however, claims of broader scope such as these would be no more of a burden than if filed in a divisional application.

Claim 50 and the claims which depend thereon define methods wherein the compounds of formula I have a distinct definition for the structures "A" and "B" than that which appears in claim 59.

New claims 40-45 are compound and composition claims which correspond to the previously elected subject matter. Claims 40-43 define compounds and compositions which overlap the allowed subject matter of claims 26 and 39. Claims 44 and 45 are a subset of the group of compounds defined in allowed claims 26 and 39. Therefore, it would not be an undue burden to examine these claims.

### **Information Disclosure Statement**

Another IDS has been filed with this RCE. This IDS attempts to make of record documents already submitted but not considered. A copy of the search report and opinion in the corresponding PCT application are also provided.

The 982 forms (Notice of References Cited) listed on the 1449 forms are from copending applications. A hard copy and an electronic copy (compact disc) of the claims within these pending applications are also provided. While these documents are not

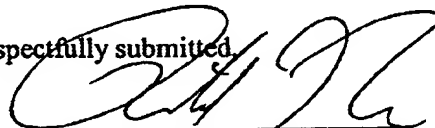
conventional publications, they characterize some of the references of record disclosing by what copending application they were cited in. The same is true of the search reports previously submitted. Therefore, consideration of these materials is respectfully requested.

Application Data Sheet

An application data sheet which recites the priority claim consistent with the filing receipt and specification is submitted herewith.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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